

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 932/99

Date of Decision : 7.8.2000

N.K.Chaturwedi Applicant.

Shri G.S.Walia Advocate for the
Applicant.

VERSUS

Union of India & Others, Respondents.

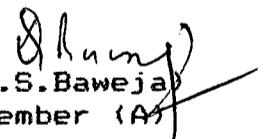
Shri V.S.Masurkar Advocate for the
Respondents.

CORAM :

The Hon'ble Shri D.S.Baweja, Member (A)

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library


(D.S.Baweja)
Member (A)

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.NO.932/99

Monday this the 7th day of August, 2000.

CORAM : Hon'ble Shri D.S.Baweja, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

Naresh K. Chaturwedi,
Junior Engineer (W),
Western Railway,
Bombay Central,
Mumbai.

... Applicant

By Advocate Shri G.S.Walia

V/S.

1. Union of India through
General Manager,
Western Railway,
Headquarters Office,
Churchgate, Mumbai.

2. Divisional Railway Manager,
Mumbai Division,
Western Railway,
DRM's Office,
Mumbai Central,
Mumbai.

3. Shri J.J.Singh,
Section Engineer,
C/o D.R.M.
Bombay Central.

... Respondents

By Advocate Shri V.S.Masurkar

 ..2/-

O R D E R (ORAL)

(Per : Shri D.S.Baweja, Member (A))

The applicant while working as a Junior Engineer in Mumbai Central Division of Western Railway in Engineering Department was allotted a Railway Quarter No.121/D at Railway Colony, Santacruz (E) according to his turn and entitlement and he occupied the quarter immediately. The applicant applied for exchange of this Railway Quarter with one Shri Sandeep Kumar Kaushik, Section Engineer working in the same Division who was in occupation of Railway Quarter No. 131/10, Type-II, Railway Colony, Santacruz (W). As per the applicant, the mutual exchange was approved by the competent authority and a memorandum was issued on 18.6.1999. On receipt of approval for exchange, the applicant occupied the Railway Quarter No. 131/10, Type-II, Railway Colony, Santacruz (W), Mumbai. However, without any notice to the applicant and indicating sufficient reasons, the respondents have issued impugned order dated 26.10.1999 whereby mutual exchange permitted earlier as per order dated 18.6.1999 has been cancelled. Feeling aggrieved by this cancellation of the mutual exchange, the applicant has filed the present OA. on 9.11.1999 seeking direction to the respondents to allow the applicant to continue to stay in Quarter No. 131/10, Type-II, Railway Colony, Santacruz (W), Mumbai.

2. The respondents have filed a written statement. The respondents bring out that the Quarter No. 131/10 at Santacruz has been allotted to senior-most on waiting list, Shri J.J.Singh on recommendations of the Housing Committee. The respondents contend that due to wrong presentation of the facts concerning mutual exchange, the competent authority was misguided and the mutual exchange was approved. Shri Sandeep Kumar Kaushik had been already transferred to Northern Railway as per order dated 11.5.1999 on his own request, ^{and} could not have agreed to have a mutual exchange of his quarter in a joint application with the applicant. When this fact was known, the mutual exchange approval given has been cancelled. The respondents contest the claim of the applicant that he has vacated the Quarter No. 121/D on 23.6.1999. The respondents submit that the Electrical Department is not competent to issue occupation or vacation certificate. The necessary vacation or occupation certificate with regard to Railway Quarters is to be issued by Engineering Department. In view of this, the quarter to Shri J.J.Singh has been correctly allotted as per the rules.

3. The applicant has made Shri J.J.Singh as party Respondent No.3. Notice was issued to him but he has not filed any written statement. He has been neither present in person nor represented through a counsel.

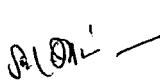
4. The applicant has filed a rejoinder reply controverting the submissions of the respondents and reiterating the stand taken by him in the OA.

5. The respondents have filed additional written statement in reply to the rejoinder reply.

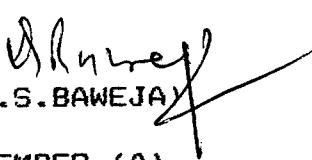
6. Heard Shri G.S.Walia and Shri V.S.Masurkar, learned counsel for the applicant and respondents respectively.

7. Without going into the merits of the issue agitated, the learned counsel for the applicant made a proposal that the matter can be disposed of with a direction to the respondents that the case of the applicant for allotment of quarter be placed before the Housing Committee for exchange since the applicant has already become senior enough for exchange of the quarter. The counsel for the respondents fairly concedes to this proposal and agrees that the OA. can be disposed of accordingly.

8. In the result of the above, the OA. is disposed of with the direction to the respondents to place the case of the applicant before the Housing Committee for allotment/exchange of the quarter as per the extant rules. The compliance of the order to be done within a period of three months from the date of receipt of this order. In view of this direction, the impugned order dated 26.10.1999 does not survive. The interim order granted on 9.11.1999 also merges with this order.


(S.L.JAIN)

MEMBER (J)


(D.S.BAWEJA)
MEMBER (A)

mr.j.